



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENNETH A. RODDY
SUITE 105
2916 WEST T.C. JESTER BOULEVARD
HOUSTON, TX 77018

COPY MAILED

FEB 03 2006

OFFICE OF PETITIONS

In re Application of
Robert R. Gray
Application No. 10/068,575
Filed: February 6, 2002
Attorney Docket No. N/A

ON PETITION

This is a decision on the papers styled, "Request For Withdrawal of Holding of Abandonment (No Abandonment in Fact)," filed January 10, 2006, which has been treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed October 18, 2004. A "Notice of Fee Deficiency" (Notice) was mailed February 8, 2005 and set a one (1) month period for response. Accordingly, this application became abandoned on March 9, 2005. A Notice of Abandonment was mailed on January 4, 2006.

Petitioner asserts that a response in the form of a check for \$100.00 for one additional independent claim was timely submitted on February 21, 2005 in response to the Notice. In support, petitioner has submitted a copy of the February 21, 2005 submission and a copy of the date-stamped postcard receipt that indicates receipt of the submission on February 28, 2005 by the USPTO. The "Transmittal of Fee for Added Claim" contains an executed Certificate of Mailing under 37 CFR 1.8 dated February 21, 2005.

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

This application is being forwarded to Technology Center 3700, for review of the amendment, filed January 24, 2005 (Certificate of Mailing date: January 18, 2005), *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy